

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

DEANA LEE DAVIS,

Respondent

v.

MATTHEW CARY DAVIS.

Appellant

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DOCKET NUMBER WD77767

DATE: SEPTEMBER 15, 2015

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Appeal From:

Circuit Court of Cooper County, MO  
The Honorable Robert M. Liston, Judge

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Appellate Judges:

Division One  
Cynthia L. Martin, P.J., Joseph M. Ellis, and James Edward Welsh, JJ.

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Attorneys:

Gary Stamper, Columbia, MO

Counsel for Appellant

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Attorneys:

Daniel Pingelton, Columbia, MO

Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**DEANA LEE DAVIS, Respondent, v.  
MATTHEW CARY DAVIS, Appellant**

**WD77767**

**Cooper County**

Before Division One Judges: Martin, P.J., Ellis, and Welsh, JJ.

Matthew Davis appeals the circuit court's "Judgment of Contempt and Enforcing and Construing Prior Decree" entered against him as a result of his failure to comply with various provisions of the judgment dissolving his marriage to Deana Davis.

**Dismissed.**

**Division One holds:**

Although the circuit court's judgment of civil contempt included a *threat* of incarceration, the court never entered a proper warrant of commitment to jail in the case. Until incarceration is ordered and acted upon, the contempt order is not "enforced." *In re Marriage of Crow and Gilmore*, 103 S.W.3d 778, 782 (Mo. banc 2003). A civil contempt judgment that has never been enforced is not final and appealable, and the posting of an appeal bond does not change that. *Id.* The attempted appeal of a civil contempt judgment that is not final must be dismissed.

Opinion by James Edward Welsh, Judge

September 15, 2015

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| <b>THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.</b> |
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